

APR 24 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin F. Berry et al. Art Unit : 1761
Serial No. : 09/447,023 Examiner : Helen Pratt
Filed : November 22, 1999
Title : CRANBERRY PROCESSES AND PRODUCTS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE

This is in response to the office action mailed November 1, 2002. Claims 70, 85, 86, 88-97 and 99-109 are pending in the application. All of the pending claims stand rejected under 35 U.S.C. § 103(a) over Chiriboga et al., Journal of Food Science, pp. 464-467 ("Chiriboga") in view of Liebrecht et al., U.S. Pat. 6,106,874 ("Liebrecht"). Applicants traverse this rejection.

Summary of Invention

Applicants have discovered that utilizing cranberries at certain phases of color development is conducive to producing flavorful, low-color, high-value blended juice drinks. The color of cranberries characteristically changes as cranberries mature during cultivation, going from a green color, to a white or pale yellow color, and finally to the familiar deep red color usually associated with cranberries. In effect, as cranberries characteristically mature, the red pigment content of the fruit changes; this change can be quantified by measuring the relative anthocyanin levels in the fruit or in the resulting juice.

The invention utilizes low color cranberries, which also have certain flavor characteristics. Because the low or light color cranberries have a high-value use, harvesting may be timed to optimize the yield of light color cranberries, rather than full red cranberries, in at least some bogs. When only deep red cranberries are desired, growers tend to leave the berries

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January 24, 2003

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in their bogs as long as possible before harvesting them. This practice allows most of the berries to reach a deep red color, but runs the risk of losing some of the crop to a fruit-damaging frost. Harvesting light as well as dark cranberries allows the grower to extend the length of the harvest, which is generally eight weeks or less when only deep red cranberries are harvested. The extended harvest time reduces the risk of crop loss due to frost.

Since the discovery of applicants' inventions, Ocean Spray has marketed blended juice products in which a cranberry juice component having a juice anthocyanin content of about 10 mg/100 ml or less is the sole cranberry component in the blend. An example is the "White Cranberry" juice product; a story board for a television commercial for this product is attached as Exhibit A. As shown in the photographs, the juice from light colored cranberries has a light color. This juice was named one of the "Best New Products of 2002" by Stagnito's New Products Magazine, as shown in Exhibit B.

Two independent claims (claims 70 and 97) are pending. Claim 70 is directed to a food product including a cranberry juice component with a low anthocyanin content. This component is the sole component from cranberries in the food product:

70. A cranberry food product comprising a blended juice, including:
 - a cranberry juice component that has a juice anthocyanin content of about 10 mg/100ml or less and
 - a component selected from another juice component, water, sweetener or acid,
 - wherein the juice component derived from cranberries having said anthocyanin content is the sole component from cranberries in the blend.

Claim 97 is directed to a food product including a cranberry juice component with a low anthocyanin content, a non-cranberry juice component, and a sweetener:

97. A cranberry food product comprising a blended juice, including:
 - a cranberry juice component that has a juice anthocyanin content of about 10 mg/100 ml or less,
 - another juice component, and
 - a sweetener,
 - wherein the juice component derived from cranberries having said anthocyanin content is the sole component from cranberries in the blend.

Argument

The 35 U.S.C. § 103(a) rejection is based on a combination of Chiriboga and Liebrecht. But Chiriboga does not disclose the cranberry juice component required by the pending claims, i.e., a cranberry juice component with a juice anthocyanin content of about 10 mg/100 ml or less. Moreover, Chiriboga teaches the desirability of deeply colored cranberry juice drinks, while the present invention is directed to light colored cranberry food products.

Liebrecht does not correct the deficiencies of Chiriboga for a number of reasons. First, Liebrecht, which does not pre-date applicants' priority date, was improperly relied upon by the examiner in making the rejection. Second, even if Liebrecht was prior art to the present invention, it would still not render the claimed invention unpatentable because it does not teach a cranberry food product, as recited in applicants' claims.

Applicants will discuss Chiriboga and Liebrecht in turn. Applicants will then explain why the examiner has not made out a prima facie case of obviousness based on these two references.

Chiriboga

Chiriboga does not disclose a cranberry juice component with an anthocyanin content of about 10mg/100 ml or less. The examiner cites Table 1 of Chiriboga and points out that "the reference [discloses] that it is known to use up to 60% of light color juices in a beverage." Office Action dated November 1, 2002, "Office Action," at page 4. But the "light" juice described in Table 1 of Chiriboga is not the same as the cranberry juice component recited in applicants' claims. It is true that Chiriboga uses the terms "light" and "pale" to describe certain press juices. However, it is erroneous to assume that the use of these relative descriptive terms necessarily means that these juices have the same characteristics as the low color cranberry juice component recited in the pending claims. The anthocyanin content of the "pale" berries from which Chiriboga's "light" juice was pressed is not specifically reported and cannot be reliably calculated from the information provided by Chiriboga. As explained in the Declaration of Harold Mantius submitted to the examiner on September 30, 2002, Table 1 lists the anthocyanin contents of batches of blended cranberry juice cocktail, both before additional anthocyanin was added, and after the addition of anthocyanin. Each of these batches consisted of 36% press juices (a combination of "dark" and "pale" juices), and 64% sugar water. Although the

anthocyanin content of the final solution, i.e., the combination of press juices and sugar water, is reported, the anthocyanin content of the “dark” and “light” press juices themselves is not reported. Applicants were able to calculate the anthocyanin content of a “dark” press juice (38.33 mg/100 ml) but were unable to reliably calculate the anthocyanin content of any of the “light” press juices because Chiriboga does not disclose enough data to do so.¹ Thus, applicants submit that Chiriboga does not describe a cranberry juice component having a juice anthocyanin content of about 10 mg/100 ml or less, either explicitly or inherently.

Furthermore, Chiriboga does not describe a product containing only “light” juices. Instead, Chiriboga discloses cranberry juice cocktail made from a combination of “light” and “dark” juices, and cranberry juice cocktail made only from “dark” juice. Applicants’ product, on the other hand, contains a blended juice product having as the sole component from cranberries a juice component with an anthocyanin content of about 10 mg/ml or less. Chiriboga thus does not disclose applicants’ invention.

Moreover, Chiriboga does not suggest that making a light colored juice from cranberries, which are traditionally dark red, is desirable. Chiriboga, in fact, is directed to just the opposite – Chiriboga teaches how to make deeply colored cranberry juice. The focus of Chiriboga is on extracting anthocyanin pigments from cranberries so that this pigment can be added to cranberry juice cocktail, thereby increasing the final anthocyanin content to reach an acceptable minimum level.

In view of the above, applicants submit that Chiriboga does not render the pending claims unpatentable.

Liebrecht

Liebrecht was filed on November 18, 1998, while applicants’ application has a priority date of November 9, 1998. The examiner acknowledges that “the date of [Liebrecht] is later than the filing date of the instant application.” Office Action at page 3. But the examiner asserts that “the reference can be used to show universal facts (In re Wilson, 311 F.2d 266, 135 USPQ 442 (CCPA 1962)). Such facts include the characteristics and properties of a material or a scientific truism.” Office Action at page 3.

¹ These calculations are set forth in paragraph 16 of the Declaration of Harold Mantius submitted September 30, 2002, which is attached as Exhibit C.

In *Wilson*, the court noted that "Applicants' invention is a very specific detail in an otherwise old process for producing an old product," namely polyurethane foam. 135 U.S.P.Q. at 442-443. The *Wilson* applicants asserted that

they have discovered an improved method, which produces a product "having a predominantly open cell structure" wherein the bubbles or cells of the foam mostly intercommunicate, as distinguished from "discrete cells" which are not intercommunicating.

Id. at 443.

The reference at issue, i.e., the reference that did not predate the applicants' filing date yet was relied on by the examiner, was a DuPont bulletin. This bulletin contained the following passage: "The structure of urethane foams is such that most of the cells are interconnecting. Tests indicate that less than 5% of the cells are closed." *Id.* at 444.

Referring to this passage, the court stated "The board considered that the publication was properly cited to show a state of fact. After reading the entire publication, so do we. It clearly is a discussion of the properties of polyurethane foam products generally, products made by the processes of the prior art of record in this case." *Id.* The court went on to note that

the disclosure of the DuPont bulletin becomes significant for its disclosure that in polyurethane foam products in general most of the cells are interconnecting, tests indicating that only 5% are discrete or closed cells. The advantageous feature on which appellants endeavor to predicate patentability is, therefore, at least suspect as possibly not in the least due to any process improvement which they have disclosed.

Id. at 446.

Thus, the *Wilson* court found that the reference was properly relied on to show physical properties of a known product, specifically, the property upon which appellants were relying to show patentability. But in the present case, the examiner relies on Liebrecht not to show physical properties, but rather to show motivation. For example, the examiner asserts "the suggestion to use only one color pale juice is disclosed by Liebrecht et al. who disclose that light color juices are known in general such as pear juice, apple juice and white grape juice which are inexpensive, clear, colorless and have a mild flavor." Office action age pages 2-3, emphasis added. The examiner further contends that "Liebrecht et al. gives the suggestion that a clear fruit juices [sic] are known." Office action at page 4, emphasis added. Such reliance is improper. In

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fact, the *Wilson* court specifically noted that "the bulletin [at issue] was not cited as a prior art reference or as suggesting the claimed invention." 135 U.S.P.Q. at 444, emphasis added.

Moreover, even if Liebrecht did have a publication date prior to the present application's priority date, it would still not render the claimed invention obvious. Liebrecht, at col. 5, lines 55-65, discloses a number of suitable fruits:

Fruit juices useful in the inventive beverage include citrus juices and non-citrus juices. The citrus juices include juices from orange, lemon, lime, grapefruit, tangerine, and mixtures thereof. The non-citrus juices can be obtained from apple, grape, pear, cherry, berry, pineapple, peach, apricot, plum, prune, passion fruit, banana, and mixtures thereof. The preferred juices for use in this invention are depectinized and clarified pear juice, apple juice and white grape juice as they are inexpensive, are clear, are colorless, and have a mild flavor that can be overwhelmed by artificial and natural flavors, such as cherry and orange.

As the examiner points out, Liebrecht teaches fruit juices made from pears, apples, and white grapes. It is well known that all of these fruits yield light colored fruit juices. But applicants are not suggesting that they are the first to make light colored fruit juices. Rather, what applicants have discovered is a way to make a light colored juice from a cranberry, which is a traditionally deeply colored fruit. Applicants note that cranberries are absent from the just-cited list of suitable fruits given in Liebrecht.

**The examiner has not made out
a prima facie case of obviousness**

As is discussed above, Chiriboga does not disclose a cranberry juice component having a juice anthocyanin level of 10 mg/100 ml or less, nor does it suggest the desirability of making light colored cranberry food products. Liebrecht does not disclose cranberry food products at all. Moreover, in rejecting the pending claims under 35 U.S.C. § 103(a), the examiner improperly relied on Liebrecht to show motivation, and combined this teaching with Chiriboga.

("[Chiriboga] does disclose that it is known to use up to 60% of light color juices in a beverage (Table 1) and now Liebrecht et al. gives the suggestion that a clear fruit juices [sic] are known.") Office action at page 4. Applicants submit that the examiner has not met her burden of establishing a prima facie case of obviousness.

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Information Disclosure Statement

A form PTO-1449 was faxed to the examiner on November 26, 2002. This form was the same as a PTO-1449 submitted February 25, 2002, except that page numbers of the two cited references were added, as requested by the examiner. Applicants have not received the initialled form, and have therefore enclosed another copy of the form PTO-1449. Applicants request that the examiner kindly return the initialled form.

Conclusion

Applicants submit that the 35 U.S.C. § 103(a) rejection of claims 70, 85, 86, 88-97 and 99-109 based on Liebrecht and Chiriboga should be reversed and request that all claims be allowed. No fee is believed due. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Jan. 24, 2003

C.P. Bellon

Christine P. Bellon
Reg. No. 41,611

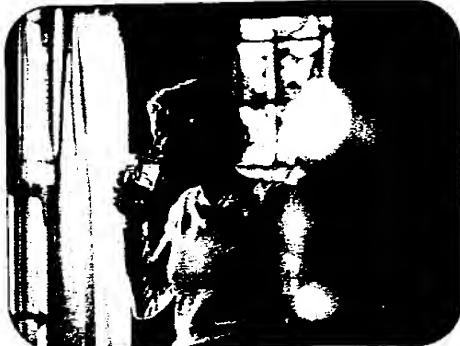
Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Ocean Spray

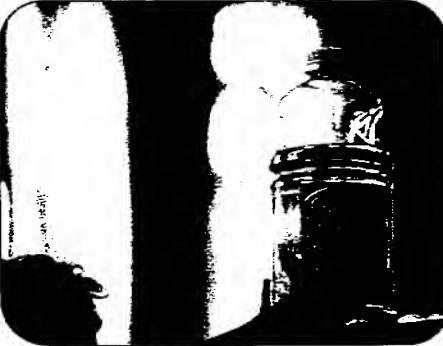
White Cranberry

"Great For Drinking" :30

OSRD-1913



(SFX: PHONE RINGS)



MOM VO: Hello.



ANNCR VO: Ocean Spray introduces
the less tart taste



of White Cranberry.



CHILD: Uh-oh.

ANNCR VO: Great for drinking...



MOM VO: Kevin?

ANNCR VO: Even better for spilling.



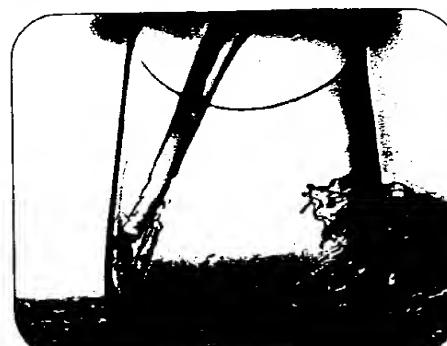
You've never tasted anything



quite like



White.



(SFX: POURING)



(SFX: WAVE)



Crave the wave.

ANNCR VO: Ocean Spray.
Crave the Wave.

STAGNITO'S

NEW PRODUCT

AND BEVERAGE FROM CONCEPT TO CONSUMER MAGAZINE

An annual look
at industry
new product
innovation

*Special Supplement:
Innovators 2002
Conference Coverage*

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**Best
New
Products
of 2002**

NEW PRODUCTS OF

If Merwyn Technology is to be believed, things are looking up in the new product development arena. Sure, it could be because there were tons more submissions for Best New Products of 2002 for Merwyn to feed on, but as a magazine dedicated to upping the quality and success of new product development, *Stagnito's New Products Magazine* is going to take Merwyn's comments as a positive sign for the industry.

In our second look at the best our industry has to offer, SNPM again combined the prowess of Merwyn simulated test marketing technology from Eureka! Ranch, Cincinnati, with the senses and emotions of SNPM's editorial staff, including Joan Holleran, Lori Dahn and Nick Roskelly.

Merwyn evaluated package copy, one-page concepts describing the product and additional materials that would



Birds Eye Hearty Spoonfuls

frozen, heat and serve soups
Company: AgriLink Foods,
Green Bay, Wis.

Suggested Retail Price: \$2.39

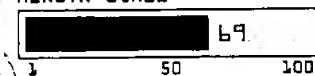
Varieties: Homestyle Chicken Noodle, Cheesy Cream of Broccoli, Chicken, Rice and Vegetables and Italian Minestrone

Ingredients: Cheesy Cream of Broccoli variety: broth; water, pasteurized process cheese spread (American cheese (milk, cheese culture, salt, enzymes), water, whey, sodium phosphate, whey protein concentrate, skim milk, mildt, salt, artificial color), chicken flavor (chicken meat including natural chicken juices, salt, hydrolyzed soy and corn protein, sugar, natural flavorings, potato flour, autolyzed yeast extract, carrot powder), cream, dehydrated cheddar cheese (cheddar cheese (culture, pasteurized milk, salt, enzymes), whey, dry buttermilk, salt, disodium phosphate, citric acid, artificial color (yellow 5 and yellow 6), wheat flour, nonfat dry milk, whey solids, cheddar cheese paste (granular, cheddar, semisoft and blue cheese (pasteurized milk,

cheese cultures, salt, enzymes), water, whey, salt, butter, milk protein concentrate, lactic acid, sodium phosphate, citric acid, enzymes, natural flavor), butter, food starch-modified, cream powder (cream, partially hydrogenated soybean oil, whey, nonfat milk, soy lecithin), yeast extract, disodium phosphate, xanthan gum, mono-glycerides, spice, onion powder; vegetables: broccoli, potatoes, carrots, onions, celery

Merwyn: Birds Eye has the complete package: great taste communication and visualization: the Birds Eye name to back it up, and a unique enough offering that will interest consumers. Overall, a fantastic concept.

MERWYN SCALE



OUR RATING: 63.3

Nick: Substantial chunks of chicken, nice visual appeal in the bowl and tasted pretty good. Frozen vegetables and the rice really held up after cooking.

Lori: The most appealing aspect of these products was that they were convenient and did not require preparation by the consumer. They tasted okay to me and probably most consumers will think they taste good.

Joan: Where I had a reservations about

be obvious to any consumer in the grocery store aisle. Submissions included background information pertaining to market share, projected marketplace uniqueness and pricing information. In addition, Merwyn was fed digital images of the products that were included in the evaluation process.

After Merwyn had its say, an expert team of trained Eureka! Ranch analysts answered an in-depth series of questions pertaining to the presence or absence of success archetypes in each individual product's offering. The analysts' responses were then compared to Merwyn Technology's database of more than 10,000 new products and services, thus benchmarking them against current marketplace offerings.

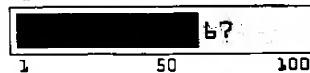
The humans actually prepared and consumed the product, providing their response to price/quality, packaging appearance, convenience, taste and innovation. We've provided overall scores from both Merwyn and the humans because, not surprisingly, we weren't all on the same page.

Solar Power

Ingredients: Solar Power: Sundried tomatoes, black pepper, roasted garlic, olives, bell peppers, red onion, basil, wheatgrass

Merwyn: A truly unique offering blending various flavors and spices and built in grinder all in one. Enough uniqueness to spark a trial, with a relevant, yet dramatic difference from current market offerings. The strong benefit offering, coupled with a kitchen logic feel as to how the concept works, tilts the odds in their favor.

MERWYN SCALE



OUR RATING: 95.3

Joan: The seasoning mix in a grinder is a great idea. Although they're marketed as an after cooking seasoning, I would be more inclined to add it during the cooking process. I thought the Splash variety with sea salt was too salty vs. other seasonings in the grinder and it was hard to control the serving. The little saucer/lid helped because I could grind into it and serve from the little dish. I was very taken with the package and felt I was cook-

BEST NEW PRODUCTS OF 2002

ing with fresher ingredients because I could grind them into the dish.

Nick: I really like the packaging, but then I'm a conscious sucker for packaging. I used Solar Power. I put it on rice and onions and it was a great complement to the dish. I could foresee it being used in several ways, such as in a marinade, as an enhancer to starches or even on vegetables.

Lori: I thought these products were great. They have a very upscale, gourmet appearance, with a nice label, grinder and interesting ingredients. I used them during and after cooking. Even though they are dramatically different, once I saw them, I knew exactly what to do with them. In each instance I enjoyed the flavor they imparted. Overall, I was a big fan of these.



Ocean Spray White Cranberry Juice Drinks

Company: Ocean Spray Cranberries Inc., Lakeville-Middleboro, Mass.

Price: \$3.16 for a 64-ounce bottle

Varieties: White Cranberry Juice Drink, White Cranberry and Peach Drink, White Cranberry and Strawberry Juice Drink

Ingredients: White Cranberry variety; Filtered water, white cranberry juice, white grape juice from concentrate, sugar, high fructose corn syrup, natural flavors, ascorbic acid (vitamin C), citric acid.

Mervyn: Strength lies in focusing on the less tart taste dimension. Trusted brand name drives credibility but the company also screams about this product's uniqueness in company written communication.

MERVYN SCALE

bb

1 50 100

OUR RATING: 88.3

Joan: I like the white cranberry juice. I like the no-stain part of the cranberry juice.

Nick: Less tart, but being a former cranberry harvester, I've tasted tart cranberries. This is less tart, and satisfies its claim. It's like grape juice. As an adult, I would use it in a Cape Cod (cranberry juice and vodka

cocktail to the uninitiated). It will look nice on the shelf next to red cranberry juice.

Lori: As Nick noted, the less tart taste is a big deal, but I still found it too tart. I gave it to a regular cranberry juice drinker to try and he loved every variety. Ocean Spray has met its goals in developing a cranberry drink that appeals to consumers looking for a less tart taste.

Joan: I credit the company with coming up with new cranberry products that bring more consumers to the little berry. As with other Ocean Spray endeavors, the company does a good job of communicating to me why I'll want this product in my house. All the varieties went over well at my house, but I liked the white cranberry the best. The peach, which I think is a hard flavor to sell, was also good.



Red Baron Stuffed Pizza Slices

Company: Red Baron, Bloomington, Minn.

Price: \$2.99

Varieties: Pepperoni Pizza, Italian Sausage and Pepperoni Pizza, Italian Sausage with Roasted Red Onions Pizza, Supreme Pizza, Roasted Garlic Chicken Pizza and Five Cheese & Tomato Pizza

Ingredients: Five Cheese and Tomato: Enriched flour (wheat flour, milled barley flour, niacin, reduced iron, thiamine mononitrate, riboflavin, folic acid), low moisture mozzarella cheese (cultured pasteurized milk, salt, enzymes), skim milk, tomatoes (tomatoes, water, tomato paste), margarine (partially hydrogenated soybean and cottonseed oils, water, salt, vegetable mono and diglycerides, non-fat dry milk solids, soy lecithin, artificial flavor, beta carotene, vitamin A Palmitate added), water, modified food starch, smoke flavored provolone cheese (cultured pasteurized milk, salt, enzymes and natural smoke flavor), asiago cheese (pasteurized cultured milk, salt, enzymes), sugar, yeast, contains 1 percent or less of parmesan cheese (pasteurized cultured part skim milk, salt, enzymes), romano cheese (pasteurized cultured cow's milk, salt, enzymes), dough conditioner (diacetyl tauric acid ester of mono and diglycerides, wheat gluten, sugar dextrose, wheat flour, guar gum, active malt flour, calcium pyrophosphate, soy lecithin, ascorbic acid, enzyme), dried whole egg, shortening (partially hydrogenated soybean and cottonseed oils), salt, dextrose, butter powder (butter [cream, salt, annatto extract], nonfat dry milk, maltodextrin, buttermilk, partially hydrogenated soybean oil, salt, sour cream [cultured cream, nonfat dry milk], disodium phosphate, natural and artificial flavors, lactic acid, citric acid, color), dehydrated sweet cream (sweet cream, nonfat milk, and lecithin), corn starch, butter powder (butter, nonfat milk solids, sodium caseinate, BHIT added to improve stability), sodium and pyrophosphate, sodium bicarbonate, dehydrated parsley, dough conditioner (wheat starch, L-Cysteine hydrochloride, ammonium sulfate), spices.

MERVYN SCALE

b4

1 50 100

OUR RATING: 58

Joan: I loved the presentation, but I didn't really love them. I cooked them both ways, and the inside was still cold via microwave and conventional. I never thought the crust was that crispy. But the people who I served them to, including adults and children, really liked them. One tester said, "If you like Hot Pockets, you'll love these."

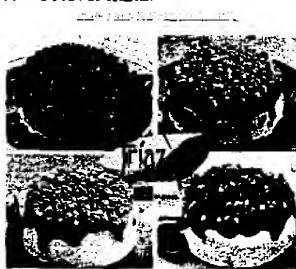
Nick: I thought they were a good size for either larger snack or a lighter meal. In terms of taste, they were middle of the road. The sauce used was a tad commercially sweet.

Lori: I think the idea is great. I don't think the taste was either exceptional or terrible. Teenagers I tested the product on were excited about the idea of a stuffed pizza. The teenagers said they'd eat it again. One teenager I tested it on couldn't believe our reaction wasn't 100 percent positive. He absolutely loved them.

Nick: When you make a pizza easy to make, it's a likely sell. It's easy to prepare and teenagers can prepare it while they pause their Tekken 3 game.

Joan: What's Tekken 3?

Nick: Never mind.



Friazos

Company: Wells' Dairy Inc., Le Mars, Iowa
Price: \$1.40 - \$1.50 (suggested retail for food-service \$4.49)

Varieties: Cookie Craze, Caramel Pecan Passion, Key Lime Melt Down, Peanut Butter Panic, Double Fudge Frenzy.

Ingredients: Ice cream: milk, cream, sugar, Brownie Pieces (sugar, unbleached and bleached enriched wheat flour (flour, niacin, reduced iron, thiamine mononitrate, riboflavin, folic acid), water, vegetable shortening (partially hydrogenated soybean oil, propylene glycol monoesters, mono & diglycerides, soy lecithin), eggs, natural cocoa powder, corn syrup solids, invert sugar, salt, baking powder (bicarbonate, corn starch, calcium sulfate, monocalcium phosphate), vanilla extract), chocolate syrup base (corn syrup, water, cocoa processed with alkali, chocolate liquor, caramel color, natural and artificial flavors, potassium sorbate as preservative, citric acid, sodium benzoate as preservative), buttermilk, corn syrup, cocoa processed with alkali, carob bean gum, guar gum, mono & diglycerides, carageenan. Chocolate sauce: high fructose corn syrup, water, dextrose, corn syrup, nonfat dry milk, cocoa processed with alkali, margarine (liquid soybean oil, partially hydrogenated soybean oil, water, salt, whey, vegetable mono & diglycerides, soy lecithin, sodium benzoate as preservative, artificial flavor, beta carotene for color, vitamin A Palmitate), modified corn starch, salt, soy lecithin, potassium sorbate as preservative. Chocolate mousse: water, partially hydrogenated vegetable shortening (palm kernel oil and/or soybean oil), corn sugar, sugar, dextrose, cocoa processed with alkali, natural and artificial flavor, propylene glycol, sodium caseinate (milk derived), soy protein, potassium sorbate as preservative, polysorbate 60, modified cellulose,

soy lecithin, mono & diglycerides, salt, polyglycerol esters of fatty acids, xanthan gum, bittersweet brownies: sugar, unenriched wheat flour, margarine (liquid soybean oil, partially hydrogenated soybean oil, water, salt, whey, soy lecithin, vegetable mono & diglycerides, sodium benzoate as preservative, beta carotene for color, artificial flavor, vitamin A Palmitate), cocoa, pasteurized whole eggs, brown sugar, fructose, water, baking powder (sodium acid pyrophosphate, sodium bicarbonate, corn starch, monocalcium phosphate), cocoa processed with alkali, natural flavor (contains vanilla components), salt. Allergen information: Contains milk, wheat, eggs, and soy.

MERVYN SCALE

b3

1 50 100

OUR RATING: 100

Lori: Every one of my friends who tried these products loved them. They ate all the way to the bottom and loved every bite. I even made new friends with these products. Once we figured out how to present these — i.e. the other end up as a restaurant item — they tasted even better.

Joan: The presentation was great. They tasted as good as they looked. Very rich. I think they'd be great for home entertaining, too.

Nick: I did turn them upside down, but it took me two times to have the presentation right. It does look really nice on a small plate. But I did eat one just out of the cup and it's kind of a surprise when you eat the top layer, which would be ice cream, and then you get to the treasures at the bottom.



El Monterey Tornados

Company: Ruiz Foods, Dinuba, Calif.

Price: \$0.99

Varieties: Sausage, Egg and Cheese, Chicken, Shredded Beef, Apple-Cinnamon

Ingredients: Tortilla (bleached wheat flour (enriched with niacin, reduced iron, thiamine mononitrate, riboflavin, folic acid), water, soybean oil, salt, baking powder (bicarbonate of soda, starch, sodium aluminum sulfate and monocalcium phosphate), whey, sodium metaphosphate (dough conditioner), filling (water, processed Monterey Jack cheese and American cheese with peppers (Jack and American cheese (milk, cheese peppers), milkfat (cream), sodium citrate, salt, sodium phosphate, lactic acid, sorbic acid used as a preservative), chicken (white meat chicken, water, sodium phosphate, salt, natural smoke flavor), spinach, red bell pepper, corn, black beans, modified corn starch, jalapeño peppers (jalapeño chiles, salt, acetic acid, calcium chloride), cilantro, salt, spices, garlic, sea-spring blend (salt, paprika, onion, chili pepper, corn starch, spices, garlic, annatto, silicon dioxide (anti-caking agent), chili pepper), batter mix

continued on page 24